



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

- against -

DARIUS DALE,

Defendant.
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21-CV-3687 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the discovery issues raised by Plaintiff at Dkt. 200.

Requests to Dale

1. Requests For Production Set 3: The objections to **Request 21** are overruled; Dale must produce documents sufficient to show the requested information. The objections to **Request 31** are overruled to the extent that Dale must produce “studies, reports, or analyses relating to market share, market demand, market segments.” The objections to **Request 32** are overruled to the extent that Dale must produce analyses of the products or services that compete with 42 Macro, including any analyses of the strengths or weaknesses of those products or services compared to 42 Macro. The objections to **Request 33** are sustained; however, if Plaintiff cannot identify the full name of any customer on the customer list previously produced by Dale, then the parties shall meet and confer so that Dale can provide to Plaintiff the full name of the customer, and Dale shall so provide the full name(s). The objections to **Request 22, 23, 24, 25, 26, 27, 28, 29, 30, 34** are sustained.

2. Requests For Production Set 4: The objections to **Request 35** are overruled to the extent that Dale must produce the requested documents, to the extent not already produced, for the period March 11 to April 30, 2021, except those relating solely to Longbow as to which the Court reserves decision. The Court also reserves decision on **Request 36**, which concerns Longbow. The parties must meet and confer about the relevancy of Longbow and report back to the Court by April 13, 2022. The objections to **Request 37** are sustained except that Dale must produce emails from no-reply@dropbox.com from March 1, 2021 through April 30, 2021 to the extent they are responsive to other non-objectionable requests. The objections to **Request 38** are sustained, except that Plaintiff may identify, and the parties shall meet and confer about, specific documents for which Plaintiff has not already received metadata but believes metadata is relevant, proportional, and should be produced. The objections to **Request 39** are sustained.

3. Interrogatory Set 3: The objections to **Rog 16, 17, 22** are overruled. The objections to **Rog 18, 19, 20, 21, 23, 24, 25** are sustained (except as to the objections that the Rog contains subparts or exceeds the permissible number). Questions about communications are more practically answered at deposition.

Requests to Lamar

1. Requests For Production Set 2: The rulings for these requests are the same as those for the corresponding request made to Dale.

2. Requests For Production Set 3: The rulings for these requests are the same as those for the corresponding request made to Dale.

3. Interrogatory Set 1: The objections to **Rog 1, 2, 4** are sustained, except that Lamar must identify the documents sufficient to show the information indicated. The objections to **Rog 3, 5** are sustained.

4. Interrogatory Set 2: The objections to **Rog 6, 7, 8, 9** are sustained.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: April 6, 2022
New York, New York

Copies transmitted this date to all counsel of record.